APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,409	03/20/2001	Nicholas Paul Andrew Galea	U 013324-3	2440

20306   7590   04/17/2009
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EXAMINER
DADA, BEEMNET W

ART UNIT	PAPER NUMBER
2435	

MAIL DATE	DELIVERY MODE
04/17/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 January 2009*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-48* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This office action is in reply to an amendment filed on January 09, 2009. Claims 1, 2, 4, 6-15, 31, 32 and 35 have been amended and new claims 37-48 have been added. Claims 1-48 are pending.

Response to Arguments

Applicant's arguments, filed 01/09/09, with respect to 35 USC 112 and 35 USC 101 rejections have been fully considered and are persuasive in view of amendments to the claims. The rejections have been withdrawn. However, upon further consideration, claims 1-48 are rejected under 35 USC 103(a) as indicated below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1- 6, 11-15, 17-20 and 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ji et al US Patent 5,889,943 (hereinafter Ji) in view of Chen et al. US 5,951,698 (hereinafter Chen)

As per claims 1 and 15 Ji teaches an anti-virus system for an electronic mail message [see abstract], the system comprising:

detecting component configured for determining the presence of the electronic mail message, wherein the electronic mail message includes at least one message text [column 11, lines 51-53, and column 8, lines 42-67];

an analyzing component configured to analyze and scan the electronic message text for script tags (for example for file extensions, and/or portions of messages that begin with a line such as 'begin filename' and end with a line such as 'end' ") that indicating the presence of operable program code [col. 11, line 53–col. 12, line 3, and col. 8, line 50–col. 9, line 3, col. 12, lines 18-31] and removing any such operable program code from the message text [col. 12, lines 47-49, 56-58]; and

an application component configured to apply the electronic mail message, with the operable program code removed, from the message text to a server [col. 12, lines 47-49, 56-58].

Ji is silent on removing operable program code from the message text regardless of whether the operable program code are associated with a known virus. Chen teaches a method for detection and removal of viruses, including analyzing and scanning a message text for script tags that indicates the presence of operable program code, and removing any such operable program code from the message text, regardless of whether the operable program code are associated with a known virus (i.e., known viruses/unknown viruses, see, abstract, column 13, lines 20-32, and column 16, lines 9-50). It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the teachings of Chen within the system of Ji in order to enhance the security of the system.

As per claims 2 and 17, Ji further teaches the system wherein a message body part is scanned for viruses [column 11, lines 54-67 and column 12, lines 1-14] and an attachment part of the message is scanned for viruses [column 19, lines 40-67 and column 20 lines 1-27].

As per claims 3 and 18, Ji further teaches the scanning means comprise scanning means for scanning the message for predetermined character strings [column 11, lines 59-63].

As per claims 4-5 and 19-20, Ji further teaches replacement means for replacing the removed tag and operable program code with alternative text [column 12, lines 54-57].

As per claims 6, Ji further teaches scanning means for scanning attachments for operable macros [col. 11, line 53–col. 12, line 3, and col. 8, line 50–col. 9, line 3, col. 12, lines 18-31].

As per claims 11 and 12, Ji further teaches the scanning means comprise scanning means for scanning the message for predetermined character strings [column 11, lines 59-63].

As per claims 13-14 and 26-27, Ji further teaches capturing electronic messages passing between a first network and a second network [column 11, lines 50-57].

As per claims 28-30, Ji further teaches a computer program comprising code means for performing all the steps of the method of claim 15 when the program is run on one or more computers [column 3, lines 13-18].

Claims 7-10, 16-25 and 31-48 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Ji US Patent 5,889,943 in view of Chen et al. US 5,951,698 and further in

view of Kim et al. US Patent 6,701,440 (hereinafter Kim).

As per claims 7, 16, 21, 31-34 and 37-48, the combination of Ji and Chen teaches the

system as applied above. Ji further teaches storing encode portions of a message containing

viruses in a specified directory [column 12, lines 49-54]. Ji-Chen does not explicitly teach

quarantining an attachment containing a macro or operable program code. However, Kim

teaches a remote e-mail scanning device [see abstract], including quarantine means for

quarantining a constituent body containing operable program code and/or removing from the

message and quarantining an attachment containing a macro or operable program code

[column 8, lines 57-67 and column 9, lines 1-19]. Both Ji-Chen and Kim teach an anti-virus

system for electronic messages. It would have been obvious to one having ordinary skill in the

art at the time of the applicant invention to modify the teachings of Kim within the system of Ji-

Chen in order to enhance the security of the system by quarantining messages containing

operable program code.

As per claim 8, Kim further teaches the system wherein the quarantine means includes

means for removing a macro from an attachment, quarantining the macro and releasing the

attachment with the macro removed [column lines 8, 57-67 and column 9, lines 1-19].

As per claims 9, 22, 35 and 36, Kim further teaches the system wherein the quarantine

means includes means for storing the constituent body, attachment or macro in a quarantine

storage location as a quarantined item, receiving means for receiving a input indicating a

decision whether the quarantined item may be delivered to an intended recipient, and

dependant on the decision input either releasing the quarantined item for delivery to the

intended recipient with or without the operable code removed or deleting the quarantined item

[column 8, lines 57-67 and column 9, lines 1-29].

As per claims 10 and 23, Kim further teaches the system wherein the quarantine means

includes informing means, on deleting the quarantined item, for informing the intended recipient

and/or a sender of the message that the quarantined item has been deleted without being

delivered to the intended recipient [column 9, lines 1-29].

As per claim 24, Kim further teaches the system wherein the scanning means for

scanning attachments for operable macros comprises means for sequentially scanning the

attachments for a plurality of predetermined character strings [column 1, lines 30-37 and column

5, lines 30-34].

As per claim 25, Kim further teaches the system wherein the means for scanning

attachments for a plurality of predetermined character strings includes termination means for

terminating scanning when one of the predetermined strings is not found on completely

scanning the attachment [column 1, lines 30-37 and column 5, lines 30-35].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to BEEMNET W. DADA whose telephone number is (571)272-3847. The

examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Beemnet W Dada/
Examiner, Art Unit 2435
April 16, 2009